

REMARKS

Claims 1-37 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 11, 17, 18, 22, 26, and 27 have been amended as shown at pages 3-7 of the Reply. Claims 10 and 23-25 have been cancelled. In addition, the specification has been amended as indicated at page 2. Support for the amendment to the specification can be found at page 11, lines 8-9.

Applicants' representative appreciates the Examiner's acknowledgement in the Office Action dated January 24, 2008 that claims 10-12, 14, and 25-30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, independent claims 1 and 17 have been amended to include allowable limitations from claim 10 and intervening claim 2, and independent claim 18 has been amended to include allowable limitations from claim 25 and intervening claims 19, 23 and 24, rendering the claim rejections under 35 U.S.C. §103(a) moot.

Applicants' representative thanks Examiners Colucci and Smits for the courtesies extended during the telephonic interview conducted on March 4, 2008. Examiners were contacted to discuss the claim rejections under 35 U.S.C. §112 and 35 U.S.C. §103(a). During the interview a set of arguments and amendments were agreed upon that addressed all of the claim rejections under 35 U.S.C. §112 identified in the Office Action. These amendments have been incorporated into the claims as shown above. Additionally, the independent claims were amended to include indicated allowable limitations to overcome the rejections under 35 U.S.C. §103(a). Examiners indicated that they believed these amendments would place the application in condition for allowance and would contact applicants' representative if any additional issues arose.

In view of the comments and amendments herein, it is believed that the present application is in condition for allowance. A prompt action to such end is earnestly solicited.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 17 and 18 Under 35 U.S.C §112

Claims 1, 17 and 18 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the specification

does not support the limitation “wherein a gap is a temporal space between two adjacent fingerprints that exceeds a predetermined threshold when fingerprints within a set of clusters are placed in sequential temporal order” as recited in independent claims 1, 17 and 18. However, support for this limitation can found, for example, in the specification at page 10, lines 9-11 which states “This is achieved by ordering the fingerprints sequentially and then searching for gaps in the ordering that correspond to at least *Z* seconds.” Therefore, this rejection should be withdrawn.

III. Rejection of Claim 25 Under 35 U.S.C §112

Claim 25 stands rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 25 has been amended to address this rejection. As such, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP561US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731